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December 1, 1998

South Central District

Gilbert Perez, CHMM  
Waste Management Programs  
Bureau of Environmental Field Services  
South Central District Office  
130 S. Market, Suite 6050  
Wichita, Kansas 67202-3802

Re: **Hazardous Waste Compliance Inspection on November 3 and 4, 1998**  
**EPA Identification Number KSD007246846**

Dear Mr. Perez:

This letter will provide our responses to the alleged violations and comments/concerns listed in the Notice of Compliance/Non-Compliance provided as a result of the above inspection of this facility.

Violations Alleged:

1. Permit condition III.E.

Failure to keep closed container, #981012 APGIN 027. (Aerosols and glass vials in cardboard box - lid removed.)

*This is a Cubic Yard box containing small cardboard boxes which contain windshield sealing kits made up of aerosols and small vials of solvents. Some of the inner boxes had been opened to allow examination of the contents. **This material was shipped as "Waste Flammable Liquids, N.O.S., (Naptha), 3, UN 1993, II (D001)". The packaging meets the requirements for this material under the standard exception granted at 49 CFR 173.150(b)(2) Limited Quantities...For Flammable liquids in Packaging Group II, inner packagings not over 1.0 L net capacity each, packed in strong outer packaging;... The aerosol containers are packaged in accordance with the requirements of 49 CFR 173.306. Each vial, bottle, or aerosol container meets the requirements for inner packaging, and is contained in a fiber box which meets the requirements for a 4G outer container. These limited quantity containers are exempted from labeling requirements. The outermost cubic yard box is analogous to pallet unit packaging which consolidates many small containers into a shipping unit, e.g., a pallet of batteries secured with shrink wrap, or palletized and strapped cartons. It bears the markings and labels for the contents consistent with unitized shipping procedures, including the marking "INSIDE CONTAINERS COMPLY WITH PRESCRIBED REGULATIONS" as is required for the limited quantity aerosol packaging, but it does not serve as the container required by permit condition III E.***

*DOT rules  
allows  
col 8A on Hm  
table  
Olney  
gr*



***Those inner containers which were opened at the time of the inspection have been closed. The (individual) waste containers have not been opened, handled, or stored in a manner which might rupture the containers or cause them to leak.***

2. Permit condition III.B.1

Failure to label one drum "Hazardous Waste" in C-736 / 981008 BUDUC 003 and 3 dms in Building D.

***All these drums were properly marked during the inspection.***

Failure to mark 2 drums with TSD accumulation start date, Bldg D -(Raytheon-generator) and 3 dms in Bldg D.

***The three drums are the same site generated drums cited above. All these drums received new facility labels with accumulation dates during the inspection.***

3. Permit Condition III.F

Failure to maintain secondary containment systems as req'd by permit - cracks visible in processing area and Bldg C.

**Cracks in containment floors will be sealed by December 20, 1998. The Processing Area floor will be resurfaced when temperature permits, no later than May 1, 1999.**

*special coating planned for July*

4. Permit Condition IV.B.1

Failure to label tanks V-3, V-5, & V-6 "Hazardous Waste".

**The tanks were repainted this fall. "Hazardous Waste" labels were attached to the tanks until they could be relettered. New labels were attached on 11/3. Stencils have been reordered and will be painted on by December 20, 1998.**

*done*

5. KAR 28-31-4(d)

Failure to date (generator) manifest # 05833.

***The appropriate date was entered on the manifest on November 3.***

*done*

6. Permit Condition III.G

Daily inspection logs: 2 pages had no time listed; 2 pages had no date or time listed; two pages had the incorrect date listed; one page had no A/U marked.

***The listed inspections were corrected. All facility inspectors were retrained in the proper completion of inspection logs on November 9.***

*done*

7. 40 CFR 262 Subpart E

Failure to file an annual report with the Secretary of KDHE of waste exports.

***A report had been filed with EPA, and the facility was not aware that KDHE also required one. A copy of the report was given to the inspectors today. A copy has***

*done*

**been sent to the Secretary of the KDHE, and the Waste Export Procedure updated to include this additional requirement.**

**Comments/Concerns**

- A. Aisle space concern in Buildings D & I. Marginally acceptable in certain areas - better housekeeping needed.

***Aisle spacing was corrected today. Employees were trained on this issue on 11/9/98.***

*Handwritten signature*

- B. Condition of fluorescent light tubes containers (cardboard boxes in poor condition).

***These lights were marked non-hazardous. We will keep a supply of long containers for badly packaged bulbs.***

*Handwritten signature*

- C. Poly drum in Bldg B and 2 in Bldg C show signs of implosion - sides caved in due to pressure changes. (Colorado waste packaged at lower air pressure & temperature factors). Concern is stability of stacked waste.

***The drums were removed from above these poly containers. Warehouse personnel were retrained on this subject on 11/9.***

*Handwritten signature*

- D. Storage of waste Chlorine bottles on side is a concern & other pressurized bottles in cardboard boxes.

***Current practice is to ship and store lecture size compressed gas cylinders in boxes or pails. Per our procedure, larger cylinders must be secured to a pallet and have bonnets protecting the valves.***

*Handwritten signature*

- E. 2 drums not labeled with "Flammable" sticker when HW label listed D001.

***The proper shipping names for these drums were "Waste Flammable Liquids", and their Hazard Class was 3. The containers are supersacks and the labels had fallen off. New labels were glued to the sacks during the inspection.***

*Handwritten signature*

Thank you for your assistance throughout this process. Please call me if you have any further questions about these matters.

Sincerely,

*Handwritten signature of Ronald K. Robertson*

Ronald K. Robertson, CHMM

cc: R. Dunn  
B. Ross  
C. Taylor